a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3246

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3246, a bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3425

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3425, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 3493

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3493, a bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

S. 3510

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3518

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3518, a bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments in United States Courts where those judgments undermine the first amendment to the Constitution of the United States, and to provide a cause of action for declaratory judgment relief against a party who has brought a successful foreign defamation action whose judgment undermines the first amendment.

S. 3519

At the request of Ms. SNOWE, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 3519, a bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program.

S. 3552

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3552, a bill to require an Air Force study on the threats to, and sustainability of, the air test and training range infrastructure.

S.J. RES. 30

At the request of Mr. ISAKSON, the names of the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SHELBY) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S.J. Res. 30, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

S. RES. 555

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 555, a resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month.

S. RES. 565

At the request of Mr. MERKLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 565, a resolution supporting and recognizing the achievements of the family planning services programs operating under title X of the Public Health Service Act.

S. RES. 573

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 573, a resolution urging the development of a comprehensive strategy to ensure stability in Somalia, and for other purposes.

AMENDMENT NO. 4410

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE), the Senator from Alaska (Mr. BEGICH) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 4410 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4412

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 4412 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4413

At the request of Mr. FEINGOLD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4413 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4439

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4439 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4443

At the request of Mr. UDALL of Colorado, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 4443 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself, Mrs. MURRAY, Ms. CANTWELL, and Mr. CRAPO):

S. 3570. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two pieces of legislation aimed at increasing the production of our hardest working renewable resource, one that often gets overlooked in the clean energy debate—hydropower. The first bill I would like to

introduce today is the Hydropower Improvement Act of 2010, co-sponsored by my colleagues Senators MURRAY, CANTWELL, and CRAPO, true hydropower advocates. The Hydropower Improvement Act of 2010 seeks to substantially increase the capacity and generation of our clean, renewable hydropower resources that will improve environmental quality and support hundreds of thousands of green energy jobs.

There is no question that hydropower is, and must continue to be, part of our energy solution. It is the largest source of renewable electricity in the United States. The 96,000 megawatts of hydroelectric capacity we now have today provide about 7 percent of the Nation's electricity needs. Hydroelectric generation is carbon-free baseload power that allows us to avoid 225 million metric tons of carbon emissions each year. Hydropower is clean efficient, and inexpensive. Yet, despite its tremendous benefits, I am constantly amazed at how some undervalue this important resource.

Perhaps it is because conventional wisdom dismisses our Nation's hydropower capacity as tapped out. That is simply not the case. If anything, hydropower is really an under-developed resource—something we certainly understand in my home state of Alaska where hydro already supplies 24 percent of the state's electricity needs and over 200 promising sites for further hydropower development have been identified. There is great potential for additional hydropower development in every State, not just Alaska.

According to the Obama administration, conventional hydropower facilities have the capacity to generate an additional 75,000 megawatts of power—a staggering amount of clean, inexpensive power. Now that doesn't seem possible until you realize that only 3 percent of the country's 80,000 existing dams are even electrified. Significant amounts of new capacity—anywhere between 20,000 and 60,000 megawatts—can be derived from simple efficiency improvements or capacity additions at existing facilities.

Additional hydropower can be captured in existing man-made conduits and hydroelectric pumped storage projects can help reliably integrate other renewable resources that are intermittent, such as wind, onto our grid.

The Hydropower Improvement Act of 2010 seeks to increase substantially our nation's hydropower capacity in an effort to expand renewable power generation and create much needed American jobs. The legislation establishes a competitive grants program to support further hydropower development and directs the Energy Department to produce and implement a plan for the research, development and demonstration of increased hydropower capacity. The bill provides the Federal Energy Regulatory Commission with additional authority to extend preliminary permit terms; to work with Federal resource agencies to streamline the review process for conduit hydropower projects; and to conduct a Notice of Inquiry into a possible two-year licensing process for certain minimal impact projects. The Act also calls for studies on pumped storage sites and the potential for nonfederal development at Bureau of Reclamation facilities, and authorizes training for hydroelectric power technology at community colleges.

It is my hope that as the Senate turns to energy legislation, we can finally recognize the important contribution the renewable resource of hydropower makes, and will continue to make, to our clean energy goals. This legislation is supported by the National Hydropower Association, the American Public Power Association, the Family Farm Alliance, the National Rural Electric Cooperative Association, the Edison Electric Institute, and the National Water Resources Association. I ask my colleagues to join me in supporting the Hydropower Improvement Act of 2010 to promote the further development of our most cost-effective, clean energy option while creating hundreds of thousands of new green jobs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hydropower Improvement Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) hydropower is the largest source of clean, renewable electricity in the United States;

(2) as of the date of enactment of this Act, hydropower resources, including pumped storage facilities, provide—

(A) 7 percent of the electricity generated in the United States, avoiding 225,000,000 metric tons of carbon emissions each year; and

(B) approximately 96,000 megawatts of electric capacity in the United States;

(3) only 3 percent of the 80,000 dams in the United States generate electricity so there is substantial potential for adding hydropower generation to nonpower dams;

(4) in every State, a tremendous untapped growth potential exists in hydropower resources, including—

(A) efficiency improvements and capacity additions;

(B) adding generation to nonpower dams;

(C) conduit hydropower;

(D) conventional hydropower;

(E) pumped storage facilities; and

(F) new marine and hydrokinetic resources; and

(5) improvements in increased hydropower production in the United States have the potential—

(A) to create hundreds of thousands of new green jobs during the next 15 years;

(B) to increase the clean energy generation of the United States; and

(C) to provide ancillary benefits that include grid reliability, energy storage, and integration services for variable renewable resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONDUIT.—The term ''conduit'' means any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 4. SENSE OF CONGRESS ON THE USE OF HYDROPOWER RENEWABLE RESOURCES.

It is the sense of Congress that the United States should increase substantially the capacity and generation of clean, renewable hydropower resources which will improve environmental quality in the United States and support hundreds of thousands of green energy jobs.

SEC. 5. GRANTS FOR IMPROVEMENTS FOR INCREASED HYDROPOWER PRODUCTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish in the Department of Energy a program under which the Secretary shall make competitive grants to eligible entities that—

(1) make efficiency improvements or capacity additions at an existing hydroelectric power generating facility;

(2) add hydropower generation to a nonpower dam;

(3) develop pumped storage facilities;

(4) address aging infrastructure at existing hydroelectric power generating facilities; and

(5) develop hydroelectric generation within existing conduits.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall establish terms and conditions, including eligibility, for the receipt of grants under this section.

(2) INCLUSIONS.—In carrying out this section, the Secretary shall ensure that powerhouses and projects that require new dam infrastructure are included among the eligible entities that may receive grants under this section.

(c) COST SHARING.—The Secretary shall carry out the program under this section in compliance with sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353).

(d) FUNDING.—From amounts made available under section 625(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17204(e)), the Secretary may use to carry out this section $50,000,000 for each of fiscal years 2011 through 2015, of which not more than 20 percent of the amount made available for a fiscal year may be used to carry out an individual project.

SEC. 6. PLAN FOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION TO INCREASE HYDROPOWER CAPACITY.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall establish, and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a plan—

(1) to facilitate through technology research, development, and demonstration the increased use of hydropower renewable resources in accordance with section 4; and

(2) to coordinate research and development on advanced hydropower technologies.

(b) ADMINISTRATION.—The Secretary shall—

(1) implement the plan established under this section as soon as practicable after the date of enactment of this Act; and

(2) review and update the plan on an annual basis.

(c) COST SHARING.—The Secretary shall carry out the program under this section in compliance with sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353).

(d) COORDINATION.—The Secretary shall coordinate, to the maximum extent practicable, activities under this section with other programs of the Department of Energy and other Federal research programs.

(e) FUNDING.—From amounts made available under section 401(a) of the American Clean Energy Leadership Act of 2009, the Secretary may use to carry out this section $50,000,000 for each of fiscal years 2011 through 2015.

SEC. 7. NOTICE OF INQUIRY FOR MINIMAL IMPACT HYDROPOWER PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) MINIMAL IMPACT HYDROPOWER PROJECT.—The term ''minimal impact hydropower project'' means—

(A) the addition of hydropower generation to an existing nonpower dam if the addition of the project will not cause any significant environmental impact; or

(B) closed-loop hydropower storage that does not require any change in an existing diversion or impoundment of a river, and otherwise will not cause any significant environmental impacts under applicable law.

(b) NOTICE OF INQUIRY.—Not later than 180 days after the date of enactment of this section, the Commission shall issue a notice of inquiry for the licensing of proposed minimal impact hydropower projects that take not more than 2 years from the beginning of the prefiling licensing process to the issuance of a license by the Commission.

(c) REPORT.—Not later than 180 days after the completion of the notice of inquiry under subsection (b), the Commission shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the notice of inquiry.

SEC. 8. FERC AUTHORITY TO EXTEND PRELIMINARY PERMIT TERMS.

Section 5 of the Federal Power Act (16 U.S.C. 798) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (c), and (d), respectively; and

(2) by inserting after subsection (a) (as so designated) the following:

''(b) EXTENSION.—The Commission may extend the term of a preliminary permit once for not more than 2 additional years if the Commission finds that the permittee has carried out activities under the permit in good faith and with reasonable diligence.''.

SEC. 9. STREAMLINING REVIEW PROCESS FOR CONDUIT HYDROPOWER PROJECTS.

(a) IN GENERAL.—Section 30 of the Federal Power Act (16 U.S.C. 823a) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

''(1) is located on non-Federal lands or Federal lands; and

''(2) uses for the generation only the hydroelectric potential of a conduit.''; and

(2) by adding at the end the following:

''(f) SAVINGS CLAUSE.—This section shall not apply to any reclamation projects under which hydroelectric power development has been reserved—

''(1) under Federal law or by regulation or order, exclusively for development under Federal reclamation law; or

''(2) for non-Federal development under reclamation law.

''(g) DEFINITION OF CONDUIT.—In this section, the term 'conduit' means any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.''.

(b) MEMORANDUM OF UNDERSTANDING ON CONDUIT HYDROPOWER PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall enter into a memorandum of understanding with relevant Federal agencies that have conditioning authority under section 30(c)(1) of the Federal Power Act (16 U.S.C.823a(c)(1))—

(1) to establish a coordinated and streamlined approach to any environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) relating to the consideration of conduit hydropower projects; and

(2) to develop and carry out an expedited approval process for conduit hydropower projects.

(c) PUBLIC WORKSHOPS AND PILOT PROJECTS ON CONDUIT HYDROPOWER PROJECTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commissioner of Reclamation and the Federal Energy Regulatory Commission shall conduct 3 public workshops with relevant stakeholders, including water users and the environmental community, to identify ways in which the conduit approval process may be modified—

(A) to reduce barriers to conduit hydropower projects, including barriers created by project costs or the timeframe for approval and maintain adequate environmental, health, and safety protections; and

(B) to develop pilot projects in conjunction with voluntary participants to demonstrate flexible and innovative ways to reduce barriers to conduit hydropower while maintaining adequate environmental, health, and safety protections.

(2) REPORT.—Not later than 180 days after the date of the completion of the workshops under paragraph (1), the Commissioner of Reclamation and the Federal Energy Regulatory Commission shall submit to the appropriate committees of Congress a report that describes any recommendations for the conduit approval process developed in the workshops and pilot projects described in paragraph (1).

(3) FUNDING.—From amounts made available under section 9503(f) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10363(f)), the Secretary may use to carry out pilot projects described in paragraph (1)(B) $5,000,000 for the period of fiscal years 2011 through 2015, to remain available until expended.

SEC. 10. NON-FEDERAL HYDROPOWER DEVELOPMENT AT BUREAU OF RECLAMATION PROJECTS.

(a) STUDY OF NON-FEDERAL HYDROPOWER DEVELOPMENT AT BUREAU OF RECLAMATION PROJECTS.—Not later than 180 days after the date of enactment of this section, the Commissioner of Reclamation (in consultation with the Federal Energy Regulatory Commission, preference power customers, water users, and other interested stakeholders) shall—

(1) conduct a study of barriers to non-Federal hydropower development at Bureau of Reclamation projects; and

(2) report to Congress the results of the study.

(b) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this section, the Commissioner of Reclamation and the Federal Energy Regulatory Commission shall develop and issue a revised interagency memorandum of understanding to improve the coordination and timeliness of the non-Federal development of hydropower resources at Bureau of Reclamation projects.

SEC. 11. PUMPED STORAGE STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Director of the United States Geological Survey, shall conduct a study (including identification) of Federal land that is well-suited for pumped storage sites and is located near existing or potential sites of intermittent renewable resource development, such as wind farms.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a), including any recommendations.

SEC. 12. NATIONAL RENEWABLE ENERGY DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282) is amended by striking the section heading and inserting ''**NATIONAL RENEWABLE ENERGY DEPLOYMENT PROGRAM**''.

(b) DEFINITIONS.—Section 803(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282(a)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (3)(B)(iv) (as so redesignated), by striking ''Alaska small''.

(c) RENEWABLE ENERGY CONSTRUCTION GRANTS.—Section 803(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282(b)) is amended—

(1) in paragraph (1), by inserting ''establish a national renewable energy construction grants program under which the Secretary shall'' after ''shall''; and

(2) by adding at the end the following:

''(5) PRIORITY.—In making grants to eligible applicants to carry out renewable energy projects under this section, the Secretary shall give priority to applicants that—

''(A) have power costs that are 125 percent or more of average national retail costs; or

''(B) will use the grant to construct renewable electricity projects to replace fossil fuel projects.''.

SEC. 13. HYDROELECTRIC POWER WORKER TRAINING.

Section 439(b) of the American Clean Energy Leadership Act of 2009 is amended in the second sentence—

(1) in paragraph (6), by striking ''and'' after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) hydroelectric power technology.''.

SEC. 14. REPORT ON MEMORANDUM OF UNDERSTANDING ON HYDROPOWER.

Not later than 18 months after the date of enactment of this Act, the President shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on actions taken by the Department of Energy, the Department of the Interior, and the Corps of Engineers to carry out the memorandum of understanding on hydropower entered into on March 24, 2010, with particular emphasis on actions taken by the agencies to work together and investigate ways to efficiently and responsibly facilitate the Federal permitting process for Federal and non-Federal hydropower projects at Federal facilities, within existing authority.

SEC. 15. NONAPPLICATION TO FEDERAL POWER MARKETING ADMINISTRATIONS.

(a) IN GENERAL.—This Act and the amendments made by this Act shall not—

(1) apply to a hydroelectric project that provides power marketed by a Federal Power Marketing Administration; or

(2) impact any additions, improvements, or replacements of hydroelectric generation at Federal projects carried out by a Federal Power Marketing Administration.

(b) MODIFICATIONS.—Nothing in this Act limits the authority under existing law of a Federal Power Marketing Administrator in the event that operations at Federal projects with hydropower facilities are modified.

SEC. 16. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Ms. MURKOWSKI:

S. 3571. A bill to extend certain Federal benefits and income tax provisions to energy generated by hydropower resources; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, today I introduce the Hydropower Renewable Energy Development Act of 2010. This is legislation to extend certain benefits and income tax provisions to energy generated by hydropower resources.

We have an incredible amount of hydropower potential in my home State of Alaska. To date, we have almost 50 hydropower projects—in a range of sizes from the 126-megawatt Bradley Lake project to the 7-kilowatt Walsh Creek project—that produce about 24 percent of the State's electricity needs. Alaska is proof that the hydropower resource is not tapped out—not even close. Currently, there are 32 additional hydropower projects, just in Southeast, that are either under construction or on the drawing boards. Statewide there are another 200 areas that have been identified as promising sites for lake taps, run of river, pumped storage and even new hydroelectric reservoirs. With the proper financing, we could keep a dozen hydro construction companies fully employed in the State for a decade or even longer. That is just in Alaska. There are tremendous opportunities in each and every State to further develop this clean energy alternative.

Hydropower, by definition, is a renewable resource. It produces no carbon emissions and through rainfall and melting snowpacks it is able to be replenished. Yet there are some who would deny this important classification to the hydropower resource. The Hydropower Renewable Energy Development Act of 2010 directs that the generation of hydroelectric power be treated as a ''renewable'' resource for purposes of any Federal program or standard. This reclassification of hydroelectric generation should help to incent the further production of this important and often undervalued resource.

Next, the bill provides parity treatment for hydropower resources in the Production Tax Credit, PTC. Currently, companies that generate wind, solar, geothermal, and ''closed-loop'' biomass systems are eligible for the PTC which provides a 2.1 cent per kilowatt-hour, kWh, benefit for the first 10 years of a renewable energy facility's operation. Other technologies, such as incremental hydropower, certain generation at non-power facilities, and wave and tidal receive a lesser value tax credit of 1.0 cent per kWh. The Hydropower Renewable Energy Development Act of 2010 eliminates the distinction between the two categories so that all qualified hydropower resources receive the full PTC credit. The bill further expands upon the types of hydropower resources that can qualify for the PTC, allowing new hydro generation, small hydropower under 50 megawatts, lake taps, and pumped storage to qualify as well.

The Hydropower Renewable Energy Development Act of 2010 also carries this expanded qualification of hydropower to the Clean Renewable Energy Bonds, CREBS, program. Because nonprofits like rural electric cooperatives and public power providers are not eligible for the PTC due to their tax-exempt status, CREBS was created to encourage these entities to undertake renewable energy development as well. This program has been wildly popular and has been oversubscribed since its inception. There are endless possibilities for increased hydropower production by electric cooperatives and public power providers and they should be given the proper financial incentive to do so.

I ask my colleagues to support this hydropower tax legislation. The further development of this untapped renewable resource will help us meet our clean energy goals through the generation of carbon-free, baseload power. At a time of record unemployment, the addition of hydropower capacity throughout the Nation will lead to hundreds of thousands of good paying, domestic jobs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hydropower Renewable Energy Development Act of 2010''.

SEC. 2. HYDROELECTRIC ENERGY TREATED AS RENEWABLE ENERGY.

Notwithstanding any other provision of law or regulation, for purposes of any Federal program or standard, the term ''renewable energy'' shall include hydroelectric energy generated in the United States by a hydroelectric facility, including electric power produced by efficiency improvements and capacity additions, generation added to nonpower dams, conduits, pumped storage facilities, marine and hydrokinetic resources, and conventional hydropower.

SEC. 3. PRODUCTION TAX CREDIT FOR HYDROPOWER RESOURCES.

(a) IN GENERAL.—Subparagraph (A) of section 45(c)(8) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of clause (i),

(2) by striking the period at the end of clause (ii) and inserting '', and'', and

(3) by adding at the end the following new clause:

''(iii) in the case of any hydropower facility described in subparagraph (D), the hydropower production from the facility for the taxable year.''.

(b) PRODUCTION.—Paragraph (8) of section 45(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) OTHER HYDROPOWER PRODUCTION FACILITIES.—For purposes of subparagraph (A), a facility is described in this subparagraph if such facility—

''(i) is a hydroelectric dam or nonhydroelectric dam—

''(I) which is placed in service after the date of the enactment of the Hydropower Renewable Energy Development Act of 2010, and

''(II) which would be described in subparagraph (A)(i) or (C) but for the placed in service date,

''(ii) is a hydroelectric facility not described in clause (i) which has a nameplate capacity rating of less than 50 megawatts, or

''(iii) is not described in clause (i) or (ii) and generates energy through the use of a lake tap or pumped storage.''.

(c) QUALIFIED FACILITIES.—Paragraph (9) of section 45(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(9) QUALIFIED HYDROPOWER FACILITY.—

''(A) INCREMENTAL HYDROPOWER PRODUCTION.—In the case of a facility described in subsection (c)(8), without regard to subparagraph (C) or (D) thereof, which produces incremental hydropower production, the term 'qualified facility' means such facility but only to the extent of such incremental hydropower production attributable to efficiency improvements or additions to capacity described in subsection (c)(8)(B) placed in service after August 8, 2005, and before January 1, 2014.

''(B) PRODUCTION FROM CERTAIN NONHYDROELECTRIC DAMS.—In the case of a facility described in subsection (c)(8)(C) which produces qualified hydropower production, the term 'qualified facility' means any such facility placed in service after August 8, 2005, and before January 1, 2014.

''(C) PRODUCTION FROM OTHER HYDROPOWER FACILITIES.—In the case of qualified hydropower production at a facility after the date of the enactment of the Hydropower Renewable Energy Development Act of 2010, the term 'qualified facility' includes any such facility which is described in subsection (c)(8)(D).

''(D) CREDIT PERIOD.—In the case of a qualified facility described in subparagraph (A), the 10-year period referred to in subsection (a) shall be treated as beginning on the date the efficiency improvements or additions to capacity are placed in service.''.

(d) INCREASE IN CREDIT RATE.—Subparagraph (A) of section 45(b)(4) of the Internal Revenue Code of 1986 is amended by striking ''(9),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. SESSIONS, Mr. DODD, Mr. BROWN of Ohio, Mr. VITTER, and Mr. ALEXANDER):

S. 3575. A bill to amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act and to authorize the Secretary of Veterans Affairs to share information about the use of controlled substances by veterans with State prescription monitoring programs to prevent misuse and diversion of prescription medicines; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, the nonmedical use and abuse of prescription drugs is a serious and growing public health problem in this country. The 2008 National Survey on Drug Use and Health showed that more than 15 million Americans had used prescription psychotherapeutic drugs non-medically in the past year. That is more than 6 percent of the U.S. population. More than 20 percent of Americans had abused these drugs during their lifetime. The Substance Abuse and Mental Health Services Agency, SAMHSA, estimates that half a million residents in my home State of Illinois are using prescription drugs illegally and in ways that can lead to dependence and even death.

Since 1999, abuse, misuse, and overdose of prescription drugs has increased, and the health consequences are significant. Each year, more than 20,000 people in the United States die from drug overdose. Illinois hospitals report an increase in patients visiting Emergency Departments because of prescription drug misuse. From 2003 to 2007, Chicago area hospitals saw the number of visits for pain medication misuse more than double and visits for sedative misuse quadruple.

The trends among teens are especially worrisome. Prescription pain relievers are the second most common drugs used as gateway drugs among teens. Over the past decade, there has been a 300 percent increase in the number of teens seeking treatment for addiction to prescription painkillers.

To address this threat to public health, my colleague Senator SESSIONS and I worked together to enact Public Law 109–60, the National All Schedules Prescription Electronic Reporting Act of 2005, NASPER. This program provides grants through the Department of Health and Human Services to establish or improve State-based prescription drug monitoring programs, PDMPs. The first grants were awarded through NASPER beginning in fiscal year 09, and currently over 40 States are operating PDMPs or have enacted legislation to establish them.

While each State's program is unique, in general they require that pharmacies, physicians or both submit information to a central office within the State on prescriptions dispensed for certain controlled substances—narcotics, stimulants, sedatives, depressants, etc. By creating these systems, States can ensure that health care providers, law enforcement officials and other regulatory and licensing bodies have access to accurate, timely prescription history information as permitted by law.

The data in these systems can be used for many purposes: to assist in the early identification of patients at risk for addiction, prevent patients from doctor shopping, and help with investigations of drug diversion and errant prescribing or dispensing practices by pharmacists or medical providers.

In my home State of Illinois, the State PDMP is called Prescription Information Library, PIL. The State was awarded a NASPER grant in fiscal year 09, which allowed it to expand and improve its program. In the month of June 2010 alone, the PIL website was used by over 3,600 doctors, pharmacists and other registered users who made over 24,000 visits to the site. In addition, the number of law enforcement requests for information from PIL increased from 16 in 2007 to 321 in 2009. Use of the program continues to grow—in the first 6 months of 2010, law enforcement officials have already made 271 requests for information from the database. The growth of the Illinois program demonstrates that it is valuable tool for protecting public health and safety by identifying people at risk for prescription drug abuse and doctors who betray the high ethical standards of their profession by over or incorrectly prescribing prescription drugs.

Today, along with Senator SESSIONS and several other colleagues, I am introducing the National All Schedules Prescription Electronic Reposing Reauthorization Act of 2010. This bill reauthorizes and extends this vital program for 5 more years at $15 million for fiscal year 2011 and $10 million each year thereafter. It also makes small changes to improve and strengthen the program, including allowing grants to be made available to States to plan or maintain a PDMP in addition to establishing or improving a program; requiring States to help educate medical providers about the benefits of the systems and facilitate their use of them; requiring, States to report aggregate data to the Secretary to allow for evaluation of the success of the program; allowing participation by the territories; and permitting the Department of Veterans Affairs to share information about the use of controlled substance by veterans with State PDMPs.

Reauthorizing the NASPER program for another 5 years with these changes to improve its operation will assist States in combating abuse and misuse of prescription drugs. This commonsense legislation has bipartisan support, and I look forward to working with my colleagues to enact it into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National All Schedules Prescription Electronic Reporting Reauthorization Act of 2010''.

SEC. 2. AMENDMENT TO PURPOSE.

Paragraph (1) of section 2 of the National All Schedules Prescription Electronic Reporting Act of 2005 (Public Law 109–60) is amended to read as follows:

''(1) foster the establishment of State-administered controlled substance monitoring systems in order to ensure that—

''(A) health care providers have access to the accurate, timely prescription history information that they may use as a tool for the early identification of patients at risk for addiction in order to initiate appropriate medical interventions and avert the tragic personal, family, and community consequences of untreated addiction; and

''(B) appropriate law enforcement, regulatory, and State professional licensing authorities have access to prescription history information for the purposes of investigating drug diversion and prescribing and dispensing practices of errant prescribers or pharmacists; and''.

SEC. 3. AMENDMENTS TO CONTROLLED SUBSTANCE MONITORING PROGRAM.

Section 399O of the Public Health Service Act (42 U.S.C. 280g–3) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''or'';

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) to maintain and operate an existing State controlled substance monitoring program.'';

(2) by amending subsection (b) to read as follows:

''(b) MINIMUM REQUIREMENTS.—The Secretary shall maintain and, as appropriate, supplement or revise (after publishing proposed additions and revisions in the Federal Register and receiving public comments thereon) minimum requirements for criteria to be used by States for purposes of clauses (ii), (v), (vi), and (vii) of subsection (c)(1)(A).'';

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) in the matter preceding clause (i), by striking ''(a)(1)(B)'' and inserting ''(a)(1)(B) or (a)(1)(C)'';

(ii) in clause (i), by striking ''program to be improved'' and inserting ''program to be improved or maintained''; and

(iii) in clause (iv), by striking ''public health'' and inserting ''public health or public safety'';

(B) in paragraph (3)—

(i) by striking ''If a State that submits'' and inserting the following:

''(A) IN GENERAL.—If a State that submits'';

(ii) by inserting before the period at the end ''and include timelines for full implementation of such interoperability''; and

(iii) by adding at the end the following:

''(B) MONITORING OF EFFORTS.—The Secretary shall monitor State efforts to achieve interoperability, as described in subparagraph (A).'';

(C) in paragraph (5)—

(i) by striking ''implement or improve'' and inserting ''establish, improve, or maintain''; and

(ii) by adding at the end the following: ''The Secretary shall redistribute any funds that are so returned among the remaining grantees under this section in accordance with the formula described in subsection (a)(2)(B).'';

(4) in the matter preceding paragraph (1) in subsection (d), by striking ''In implementing or improving'' all that follows through ''with the following:'' and inserting ''In establishing, improving, or maintaining a controlled substance monitoring program under this section, a State shall comply, or with respect to a State that applies for a grant under subsection (a)(1)(B) or (C) submit to the Secretary for approval a statement of why such compliance is not feasible and a plan for bringing the State into compliance, with the following:'';

(5) in subsections (e), (f)(1), and (g), by striking ''implementing or improving'' each place it appears and inserting ''establishing, improving, or maintaining'';

(6) in subsection (f)—

(A) in paragraph (1)(B) by striking ''misuse of a schedule II, III, or IV substance'' and inserting ''misuse of a controlled substance included in schedule II, III, or IV of section 202(c) of the Controlled Substance Act''; and

(B) add at the end the following:

''(3) EVALUATION AND REPORTING.—Subject to subsection (g), a State receiving a grant under subsection (a) shall provide the Secretary with aggregate data and other information determined by the Secretary to be necessary to enable the Secretary—

''(A) to evaluate the success of the State's program in achieving its purposes; or

''(B) to prepare and submit the report to Congress required by subsection (k)(2).

''(4) RESEARCH BY OTHER ENTITIES.—A department, program, or administration receiving nonidentifiable information under paragraph (1)(D) may make such information available to other entities for research purposes.'';

(7) by redesignating subsections (h) through (n) as subsections (i) through (o), respectively;

(8) in subsections (c)(1)(A)(iv) and (d)(4), by striking ''subsection (h)'' each place it appears and inserting ''subsection (i)'';

(9) by inserting after subsection (g) the following:

''(h) EDUCATION AND ACCESS TO THE MONITORING SYSTEM.—A State receiving a grant under subsection (a) shall take steps to—

''(1) facilitate prescriber use of the State's controlled substance monitoring system; and

''(2) educate prescribers on the benefits of the system both to them and society.'';

(10) in subsection (m)(1), as redesignated, by striking ''establishment, implementation, or improvement'' and inserting ''establishment, improvement, or maintenance'';

(11) in subsection (n)(8), as redesignated, by striking ''and the District of Columbia'' and inserting '', the District of Columbia, and any commonwealth or territory of the United States''; and

(12) by amending subsection (o), as redesignated, to read as follows:

''(o) AUTHORIZATION OF APPROPRIATION.—To carry out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2011 and $10,000,000 for each of fiscal years 2012 through 2015.''.

SEC. 4. AMENDMENTS TO TITLE 38.

(a) EXCEPTION WITH RESPECT TO CONFIDENTIAL NATURE OF CLAIMS.—Section 5701 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(l) Under regulations the Secretary shall prescribe, the Secretary may disclose information about a veteran or the dependant of a veteran to a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines.''.

(b) EXCEPTION WITH RESPECT TO CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(G) To a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines.''.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the participation of the Department of Veterans Affairs in State controlled substance monitoring programs, including programs approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of the activities of the Department of Veterans Affairs relating to programs described in paragraph (1).

(B) A list of the programs described in paragraph (1) in which the Department is participating.

(C) A description of how the Secretary determines which programs described in paragraph (1) in which to participate.

(D) The status of the regulations, if any, prescribed by the Secretary under section 5701(l) of title 38, United States Code, as added by subsection (a) of this section.

Mr. DODD. Mr. President, I rise today in support of reauthorization of the National All Schedules Prescription Electronic Drug Reporting Act, NASPER, program critical to combating the abuse of prescription drugs in our Nation. I am proud to once again join my colleagues Senators DICK DURBIN, JEFF SESSIONS, and SHERROD BROWN on this important legislation which would reauthorize the NASPER program.

In 2008, over 15 million Americans abused prescription drugs and nearly 2 million of those Americans were between the ages of 12 and 17. Further, the National Institute on Drug Abuse at the National Institutes of Health found that last year more than 1 in 10 high school seniors used a narcotic for nonmedical purposes. These statistics are simply unacceptable. We must do more to address the issue of prescription drug abuse in this country.

When used under the supervision of a medical professional prescription drugs can be life saving but when they are abused they can become life-threatening. NASPER will help prevent unnecessary deaths by allowing credentialed professionals access to key information regarding prescriptions for many controlled substances. This access will help prevent doctor shopping and will help health professionals to more closely monitor the prescriptions being issued to their patients.

NASPER is a valuable tool available to states to help detect and prevent abuse of prescription drugs. Reauthorization of this program will allow states to establish, maintain, and grow their own electronic prescription drug monitoring programs. Beyond this it will help states establish linkages to surrounding states so that information can be more easily shared, making doctor shopping across state lines more difficult.

I am proud of the work that is going on in my own state of Connecticut around this issue. Our Drug Control Division within the Department of Consumer Protection has worked tirelessly to build a successful prescription drug monitoring program. This program has helped to not only prevent abuse of prescription drugs but it has helped to detect and prevent abuse of critical programs such as Medicare and Medicaid. In one case, an investigation of a pharmacist fraudulently billing Medicaid and Medicare resulted in a settlement with the government for $340,000.

As you can see NASPER is an important tool we cannot afford to lose and I urge my colleagues to join me in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 579—HONORING THE LIFE OF MANUTE BOL AND EXPRESSING THE CONDOLENCES OF THE SENATE ON HIS PASSING

Mr. BROWNBACK (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 579

Whereas Manute Bol was born the son of a Dinka tribal chief in Sudan, and was given the name ''Manute'', which means ''special blessing'';

Whereas Manute Bol traveled to the United States in 1983 and played college basketball at the University of Bridgeport during the 1984–1985 season;